

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Ms. Waltina T. Foster
2 Picardy Drive
Greenville, SC 29605

SCDOI File Number 2005-125923

**Consent Order
Imposing Administrative Penalty As
Precondition to Remain Licensed**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and the above named respondent, a licensed South Carolina resident Professional surety Bail Bondsman.

Upon review of this matter, I hereby find as fact that Ms. Foster did fail to timely register her bondsman's license and power of appointment with the Clerk of Greenville County Court, South Carolina. The respondent acknowledges this, but contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, these actions can ultimately lead to the revocation of her license to transact the business of surety bail bondsman in South Carolina, following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-53-160 (Supp.2004).

Rather than awaiting the outcome of impending administrative disciplinary proceedings against her, Waltina T. Foster and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that in lieu of the Department seeking to revoke Ms. Foster's license, she would waive her right to a public hearing, and pay an administrative penalty in the amount of \$500.00 dollars, to our Department.

Section 38-53-260 of the South Carolina Code of Administrative Laws states in pertinent part: "No professional or surety bondsman may become a surety on an undertaking unless he has registered his current license in the office of the Clerk of the circuit court in the county in which he resides and registered a certified copy of the license with the clerk of the circuit court in any other county in which he writes bail bonds. A surety bondsman shall also annually register a certified copy of his current power of appointment with the clerk of the circuit court where he resides and in any other county where he writes bail bonds on behalf of an insurer."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Waltina Foster did violate S.C. Code Ann. § 38-53-260 (Supp. 2004). As a result, I can now take administrative disciplinary action against her resident surety bondsman's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-53-150(B)(Supp. 2004), and after carefully considering the recommendation of the parties, I hereby

impose against Ms. Foster an administrative penalty in the amount of \$500.00 dollars. If she fails to pay that amount within fifteen days upon receipt of this Order, her license to transact business as a professional bail bondsman will be revoked without any further disciplinary proceedings.

The parties have reached this agreement through negotiation and compromise and in consideration of the Department having never taken any administrative disciplinary action against Waltina Foster before, of her being current with all of her monthly filings, and of her assurances that in the future she will comply with all of the State's insurance laws. The parties expressly agree and understand that Ms. Foster's payment of the fine shall constitute full accord and satisfaction of this matter.

By her signature upon this consent order, Waltina Foster acknowledges that she understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2004).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(3) (Supp. 2004), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore ordered, that Waltina T. Foster shall pay an administrative penalty in the amount of \$500.00 dollars.

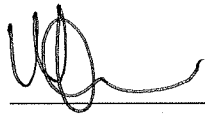
It is further ordered that a copy of this consent order be placed in Ms. Foster's licensing file.

This consent order becomes effective as of the date of my signature below.


Eleanor Kitzman
Director

Sep 7, 2005, at
Columbia, South Carolina

I CONSENT:



Waltina T. Foster, d.b.a. R & R Bailbonding
1210 Laurens Road
Greenville, South Carolina 29607.

Dated this 29 day of Aug., 2005.